

EXHIBIT H

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Talc and Mesothelioma

Talc can cause mesothelioma if it includes asbestos, which is the only proven source of [mesothelioma](#). The toxic substance can contaminate talc baby powder and beauty products without the user knowing.



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Johnson & Johnson Talc and Mesothelioma

Johnson & Johnson is the brand most connected to asbestos in talc. The company recalled its popular Baby Powder product due to allegations of asbestos contamination. Activist organizations pushed Johnson & Johnson to address the issues, and the company's decision affirms the power of activism.

The U.S. Justice Department opened a criminal investigation against Johnson & Johnson in 2019, according to Bloomberg. The company's baby powder and other talc products were at the center. Investigators wanted to know if the company misled or lied to the public about the talc items being safe.

What Is Talc?

Talc is a soft, naturally occurring mineral found throughout the country. It's usually green, white, gray or brown and is comprised mainly of three elements: magnesium, silicon and oxygen.

Talc is often made into a powder, which is called talcum powder. When crushed into a powder, the substance can absorb moisture, oils, odors and other infectants. These properties keep your skin dry and prevent rashes.



How Does Asbestos Contaminate Talc?

Asbestos, like talc, is a naturally occurring silicate mineral found underground and in many of the same geographic areas as talc. Asbestos and talc often are neighbors in the earth's soil.

According to the United States Food and Drug Administration (FDA), the two substances are usually found close enough to one another that they can mix. When talc is mined, there's a high probability of asbestos contamination. The International Agency for Research on Cancer labels asbestos-containing talc as a cancerous material for humans.

Evidence of Asbestos in Talc

A 2020 study by the FDA revealed how frequently asbestos contaminates talc-based cosmetic commodities. Around 23% of the items tested included detectable asbestos.

The Environmental Working Group (EWG) conducted its own test and found asbestos in 15% of talc products. Two products were eye shadow palettes and one was a children's toy makeup kit.

The eye shadow palette product names were 120 Colors Eyeshadow Palette; and Beauty Glazed Gorgeous Me Eye Shadow Tray Palette. The children's product was Princess Girl's All-in-One Deluxe Makeup Palette.

The FDA is considering wide-scale changes to how it tests for asbestos in talc cosmetics. In 2017, the agency formed a task force dedicated to analyzing how the FDA currently tests — and where to make improvements. The task force issued recommendations in 2020 for updating and enhancing testing methods, including what level of asbestos poses a risk to consumers.



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Scientific Explanation of How Contaminated Talc Causes Mesothelioma

Contaminated talc causes mesothelioma due to loose asbestos fibers entering your body and irritating cells in specific locations. This results in cellular mutation, which forms tumors.

Asbestos is a proven carcinogen, meaning it can cause cancer and other diseases. The substance includes microscopic fibers that, when disturbed, can enter the air. These fibers can be inhaled or ingested, both of which could result in mesothelioma forming.

When people use a talc product that includes asbestos fibers, the loose dust can be inhaled or ingested into the body. The fibers are sharp, and they can puncture the thin lining near either your lung or abdominal cavity.

Studies Confirm Connection Between Talc and Mesothelioma

TIME magazine reported on a study published in the Journal of Occupational and Environmental Medicine. This study analyzed 33 mesothelioma patients with one

shared trait: All of them had the cancer despite talc powder being their only known exposure to asbestos.

The authors of the study then highlighted six individuals who “underwent tissue testing that showed fibers consistent with the type of asbestos found in cosmetic talc, but not in things like building supplies and insulation,” according to the TIME article.

Therefore, the researchers ruled out other methods, such as [occupational asbestos exposure](#) or a secondhand source.

A second study, which was published in the American Journal of Industrial Medicine, analyzed the connection between cosmetic talc and mesothelioma. The researchers found 75 people whose only known asbestos exposure was from asbestos-contaminated talc.



Have a Legal Question?

Angela C. Bullock
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Who Is Affected By Talc and Mesothelioma?

Women, in particular, are most at risk of mesothelioma after using a talc item. Mesothelioma is a concern for women because they’re likely to use talc-based cosmetic products, either on themselves or their children.

In both of the aforementioned studies, women comprised the vast majority of cases.

Combining the two reports, there were 108 cases of mesothelioma from exposure to talc

cosmetics. Of those cases, 90 were women.

Dr. Jacqueline Moline, of the Hofstra School of Medicine, said the study “suggests that cosmetic talcum powder use may help explain the high prevalence of idiopathic mesothelioma cases, particularly among women.”

Talc Products That Can Cause Mesothelioma

Numerous everyday products list talc as one of the ingredients. These products are the culprit in talc and mesothelioma having a connection.

According to various online sources and published news articles, the goods include:

Johnson & Johnson's Baby Powder

Johnson & Johnson's Shower to Shower Powder

Degree Men Antiperspirant and Deodorant

Centrum Multivitamins, and other supplements

Chanel after-shower health and beauty powders

Avon powder products

Walgreens Aspirin 81

Chewing gum

Food processing

Talcum powder used in barbershops (to reduce irritation on the neck or face)

Various cosmetics (lipstick, mascara, face powder, blush, eye shadow or even children's makeup)

According to a New York Times article from 2018, talc was even used to make condoms and surgical gloves.

Using talc to make cosmetics was a standard practice for nearly all of the 20th century. In the 1990s, the FDA requested manufacturers to stop using talc for these products due to health concerns. Some organizations even found the mineral in children's crayons and other toys.

In 1976, the New York Times reported that 10 out of the 19 talc-based body and baby powders tested included asbestos fibers. Specifically, the researchers found the fibers mixed in the talcum powder.

The 10 brand-name products contaminated with asbestos were:

ZBT Baby Powder with Baby Oil

Cashmere Bouquet Body Talc

Coty Airspun Face Powder

Rosemary Talc

Bauer & Black Baby Talc

Faberge Brut Talc

Yardley Invisible Talc

Yardley Black Label Baby Powder

Mennen Shave Talc

English Leather After-Shave Talc

Talc is still a primary ingredient in many products. The New York Times states brands may list talc under various names, including:

Talcum

Talcum powder

Cosmetic talc

Magnesium silicate

FDA Considers Improving Talc Cosmetics Asbestos Testing Procedures

The U.S. Food and Drug Administration released a white paper at the beginning of 2022 about potential enhancements to testing for asbestos in talc cosmetics. The white paper came after the Interagency Working Group on Asbestos in Consumer Products (IWGACP) collaborated on scientific opinions regarding testing procedures for asbestos in talc cosmetics.

“We have become aware that methods employed by some industry members to test for asbestos in talc-containing cosmetic products may not always detect the presence of asbestos,” said Susan Mayne, Director of the FDA’s Center for Food Safety and Applied Nutrition. “That’s why an interagency working group sought to take a state-of-the-science look at available methods.”

Polarized Light Microscopy (PLM) is the standard method for talc cosmetic testing, and it has been since the 1970s. The cosmetic industry used PLM if amphibole asbestos strands are found in X-ray scans.

The IWGACP suggests the FDA transition to Transmission Electron Microscopy (TEM) along with PLM. The TEM method has detected asbestos fibers in samples that were labeled negative by PLM. Other suggestions from the white paper include:

Reporting all asbestos and other dangerous particles equal to or greater than a specific length and specific length-to-width ratio

Providing analytical reports of findings

Establishing policies for laboratories covering training, quality assurance and quality control

In 2021, the cosmetic samples were clean of asbestos. The year prior, around 17% of samples tested positive for traces of asbestos.

EPA Ignores Connection Between Talc and Asbestos

Asbestos is regulated now and is not used to build homes, buildings, cars or ships. However, it has been found in cosmetic products designed specifically for women and children. This discovery is alarming – even more so because the EPA did not address the issue at all.

The EPA published part 1 of a risk evaluation for asbestos in early 2021 but failed to acknowledge the confirmed reports of asbestos in talc. Asbestos in talc was one of the biggest health stories of 2020 – besides COVID-19. It's concerning that the regulatory agency responsible for protecting American citizens from hazardous substances ignored one of the public's main asbestos concerns.

The asbestos risk evaluation did address the dangers associated with chrysotile asbestos, saying it "found unreasonable risk to human health for uses of chrysotile asbestos." So, why would the EPA not acknowledge the dangers of asbestos in talc, when it acknowledges the dangers in other sectors?

Part 2 of the risk evaluation is scheduled to be published by December 1, 2024.

Mesothelioma Legal Cases Involving Talc

Talc is the primary ingredient in most baby powder products, which is the source of many legal battles involving talc and [mesothelioma lawsuits](#).

Avon Products Inc. Talc and Mesothelioma Lawsuits

As of 2020, Avon had faced nearly 130 talc and asbestos lawsuits. Due to the controversy, Avon announced it would pull talc from production processes, but this effort would not excuse them from further talc litigation.

An Arizona woman was diagnosed with mesothelioma in 2021 and attributed her diagnosis to the use of Avon's powder products, which she later found out had high levels of asbestos. Her case was heard by a California jury.

The jury concluded Avon management was aware of the cancer risk associated with the company's talc products and did not warn consumers. According to the verdict, the jury also found Avon executives acted with "malice, oppression or fraud" in suppressing the health risks associated with the products, which led to a punishment award.

In December 2022, she was awarded over \$50 million in damages. The jury initially awarded \$40 million in actual damages to compensate for the victim's pain and medical bills. Due to the jury's discovery of malice intent, the victim was awarded an additional \$10.3 million in punitive damages.

Johnson & Johnson and Talc Mesothelioma Lawsuits

The FDA has conducted tests of cosmetic products since 2017, and in 2019 the organization found asbestos in samples of Johnson & Johnson's baby powder product. That news led to Johnson & Johnson recalling the specific lot that was reportedly contaminated.

The company, which faces thousands of mesothelioma lawsuits, announced in May 2020 that it would cease production and sale of Johnson & Johnson Baby Powder in the U.S. and Canada. This news is a significant victory for activist organizations in the fight against asbestos exposure from talc-based health and beauty items.

Reuters published an article in 2018 claiming Johnson & Johnson knew its product was tainted with the carcinogen. In July 2019, the U.S. Justice Department opened an investigation into whether Johnson & Johnson lied about their knowledge of asbestos in their products.

If true, then the company willingly allowed many customers to be placed at extraordinary risk of developing mesothelioma.

Roundup of Johnson & Johnson Talc Mesothelioma Lawsuits and Verdicts

According to a Bloomberg article, Johnson & Johnson faces more than 14,000 civil claims related to its baby powder. There have already been numerous verdicts favoring talc and mesothelioma victims against Johnson & Johnson:

A California jury awarded a talc and mesothelioma victim \$29.4 million in 2019.

Another verdict in 2019 awarded a total of \$4.7 billion to 22 patients.

A New York state jury awarded a victim \$325 million, up from the \$300 million she got in 2019.

A jury in 2020 hit Johnson & Johnson with a \$750 million verdict in punitive damages. New Jersey state law lowered this below \$200 million.

A California jury ruled against Johnson & Johnson in 2019 and awarded the victim around \$40 million.

A Missouri appeals court upheld a previous Johnson & Johnson verdict and awarded a group of cancer victims \$2.12 billion.

Another California jury awarded \$26.5 million to a woman who claims Johnson & Johnson's Baby Powder is responsible for her malignant mesothelioma.

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In 2021, Johnson & Johnson reportedly set aside nearly \$4 billion for asbestos lawsuit settlements. The news is proof some Johnson & Johnson talc products cause mesothelioma.

In 2020, Johnson & Johnson settled more than 1,000 asbestos claims involving talc baby powder. The total settlement amount was likely around \$10 billion.

In January 2020, New Mexico sued Johnson & Johnson over asbestos contamination and “misleading consumers.”

Other companies face similar legal issues due to their talc products. Claire’s and Chanel both are defendants in asbestos lawsuits regarding their talc items.

Talc cancer claims are on the rise. According to one report, they increased 11% from 2018 to 2019. There are approximately 300 each year. Around 65% of victims in the claims are women.

If you have mesothelioma and used health and beauty powder products, you may have been exposed to talc contaminated with asbestos. Our team can help you get a free case evaluation from legal experts. [Contact us today](#) to learn if a talc product caused your disease.

Common Questions About Talc and Mesothelioma

■ **How does talc cause cancer?**

Talc causes cancer by exposing consumers to shards of asbestos mixed into the talcum powder. Talc products can cause [mesothelioma](#) if the asbestos fibers enter the pleura or peritoneum, which line the lung cavity and abdomen. These fibers aggravate cells and cause them to mutate.

■ **Does talc in makeup contain asbestos?**

Talc makeup and other cosmetics can contain [asbestos](#). There are reports of asbestos found in lipstick, mascara, blush, eye shadow and children's makeup. Any product that includes talc as an ingredient is potentially dangerous.

■ **How does asbestos get in talcum powder?**

Asbestos and talc are naturally forming minerals found within the earth's soil. They cohabit, often forming in the same geographical regions and sometimes just feet apart. Their neighborly relationship makes it easy to mix during mining procedures. Asbestos fibers can blend in with the talc after it's ground into a powder.

■ **What talc products could have asbestos in them?**

Johnson & Johnson Baby Powder is the most notorious talc product linked to asbestos and mesothelioma. In 2020, the company pledged to stop producing talc

versions of the product in the United States and Canada. Other talc products connected to asbestos include:

Antiperspirants and deodorants

Multivitamins

After-shower powders

Toothpaste

Children's crayons

Food processing

■ Can you sue if you have mesothelioma from talc?

You can sue for a talc-related mesothelioma. The companies held responsible are usually the manufacturer of the talc product, as they are accused of using talc despite knowing the health risks. Johnson & Johnson faces thousands of [mesothelioma lawsuits](#) from victims of their hazardous talc Baby Powder. Some lawsuits have netted multi-million-dollar verdicts.

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